REMARKS

Specification

Applicant thanks the Examiner and has submitted a substitute specification with headings. No new matter has been added. Applicant kindly asks that this objection be withdrawn.

Claims

Claim 1 is pending in the application which has been rejected. Applicant has added new claims 2 and 3. Applicant respectfully requests reconsideration of the application.

Claim Amendments

Claim 1 has been amended and claims 2 and 3 have been added. Support for claims 2 and 3 can be found at least in paragraph [014] above. No new matter has been added.

Claim Objection

Applicant thanks the examiner and has amended the claims to correct the informalities. Applicant kindly asks that the Examiner withdraw these objections.

Claim Rejections – 35 U.S.C. §103(a)

Applicant's Claims Are Not Rendered Obvious Under 35 U.S.C. §103 Over Any Of The Prior Art Patents

The Examiner has rejected Applicants' claim 1 under 35 U.S.C. §103. Applicant respectfully disagrees with the Examiner.

The Examiner has failed to establish a prima facie case of obviousness. When examining a patent application, the Examiner has the initial burden of factually supporting a prima facie conclusion of obviousness.[1] Additionally, when rejecting claims under 35 U.S.C. §103, it is incumbent upon the Examiner to establish a factual basis to support the legal

conclusion of obviousness.[2] In so doing, the Examiner must make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). Specifically, the Examiner must (1) determine the scope and content of the prior art; (2) determine the differences between the prior art and the claims at issue; and (3) determine the level of ordinary skill in the art.[3] In addition to these factual determinations, the Examiner must also provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."[4] Moreover, the analysis supporting obviousness should be made explicit and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements" in the manner claimed.[5]

Only if the Examiner makes a prima facie case of obviousness, does the burden shift to the Applicant for providing evidence of non-obviousness.[6] Obviousness is then determined based on the evidence as a whole and the persuasiveness of the arguments.[7] Here, the Applicant respectfully asserts that the Examiner has failed to meet the evidentiary burden.

Additionally, the cited prior art differs from the Applicant's claims. Therefore, a person of ordinary skill in the art at the time of the invention would not have looked to the prior art cited by the Examiner to create Applicant's claims. As such, the Applicant respectfully requests that the Examiner reconsider Applicant's claims.

Claims 1 is rejected over U.S. Patent No. 5,091,617 issued to *Maehara* ("*Maehara*") in view of U.S. Pat. No. 4,956,581 issued to *Nilssen et al.* ("*Nilssen*").

Here, the Applicant respectfully asserts that the Examiner has not made a prima facie case of obviousness because the person of ordinary skill in the art at the time of the invention would not have looked to *Maehara* or *Nilssen* to create Applicant's invention.

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1 *See*, *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992).
2 *See*, *In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988).
3 *See, Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966).
4 *See, In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).
5 *See, KSR Int'l Co. v. Teleflex*, No. 04-1350, slip op. at 15 (U.S. 4-30-2007).
6 *See, In re Oetiker*, 977 F.2d at 1445.
7 *See, Id.*

Claim 1

The Examiner states that *Maehara* discloses "a high frequency heating device apparatus comprising a magnetron (19, Figure 1) generating microwave energy; a filament circuit (14 and 20, Figure 1); an inverter which ensures thathe magnetron is powered by high-frequency rectified volatage via the energy obtained from the network (5 and 4, Figure 1) and which incorporates a wave multiplexer (15-18, Figure 1) whereby the voltage obtained from the high frequency current coming from the resonant circuit is multiplied by being raised and rectified (col. 1, lines 25-52)", but does not disclose a low-pass filter placed between the multiplexer and the ground. *See Office Action page 3.* According to the Office Action, *Nilssen* discloses a low-pass filter connecting with the ground. *Id.* As such, the the Office Action states that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine *Maehara* with *Nilssen* to create Applicant's claim 1. Applicant respectfully disagrees with the Examiner's position.

First, *Maehara* does not disclose Applicant's claims 1 and explicitly teaches away from the information cited therein as it listed this information as "prior art" and *Maehara* discloses its invention to solve these "problems" that lead away from using a low pass filter (see figs. 8 and 9). Therefore, *Maehara* does not disclose Applicant's claims 1 and, in fact, teaches away therefrom.

Second, it would not have been obvious to one of ordinary skill at the time of the invention because Applicant would not look to combine *Maehara* with *Nilssen* to create his invention because *Nilssen* does not describes high-frequency heating device where current is smoothed without decreasing the voltage. This is not taught in *Nilssen* and it appears that both the current and voltage in *Nilssen* would be decreased. In fact, *Nilssen* is directed to an invention of the "crest-factor" of the current supplied to the magnetron. Therefore, it would not have been obvious for the Applicant to look to *Maehara* as combined with *Nilssen* to create the invention.

Conclusion

Applicant believes he has addressed and responded to every point raised in the Examiner's present action. For the reasons stated above, Applicant respectfully requests reconsideration of his application.

Respectfully submitted,

Date: 02/16/2010

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